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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TOUCHSTONE RESEARCH GROUP LLC,
JOHN DOES 1-50, and JANE DOES 1-50,

Plaintiffs,

-v-

DEPARTMENT OF DEFENSE, *et al.*,

Defendants.

18 Civ. 3451 (OTW)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendants' Motion to Dismiss the Amended Complaint and the Declaration of John Cianci, Defendants the U.S. Department of Defense; government officers and officials Secretary James Mattis, Stephanie Barna,¹ Michael V. Sorrento, and Monique A. Wey,² all sued in their official capacities; and the United States of America, by their attorney, Geoffrey S. Berman, United States Attorney for the Southern District of New York, hereby move this Court for an order

¹ Robert Wilkie, misidentified in the amended complaint as "Robert Wilke," is no longer serving as the Under Secretary of Defense for Personnel and Readiness. Pursuant to Rule 25(d), Stephanie Barna, who is currently performing the duties of the Under Secretary of Defense for Personnel and Readiness, was automatically substituted.

² Peter A. Robinson is no longer serving as Chief of the Freedom of Information and Privacy Office of the Army Human Resources Command. Pursuant to Rule 25(d), current Chief Monique A. Wey was automatically substituted.

dismissing the action pursuant to Rules 12(b)(6), 10(a), and 12(b)(3) of the Federal Rules of Civil Procedure. This motion is made following the conference of counsel on July 31, 2018. Plaintiffs filed the amended complaint on August 20, 2018. Dkt. No. 34.

PLEASE TAKE FURTHER NOTICE that pursuant to the order of the Court dated September 17, 2018, Dkt. No. 36, Plaintiffs' opposition to Defendants' motion must be filed by November 19, 2018, and any reply must be filed by December 4, 2018.

Dated: October 19, 2018
New York, New York

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